

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

U.S. ANESTHESIA PARTNERS, INC., et al.,

Defendants.

**Case No.: 4:23-CV-03560-KH**

**Plaintiff Federal Trade Commission's  
Notice of Motion to Dismiss Appeal Filed in Fifth Circuit**

The FTC opposed Defendant U.S. Anesthesia Partners, Inc.'s Motion for Stay Pending Interlocutory Appeal in part because neither issue presented is appealable under the collateral order doctrine. *See* FTC's Opp. to USAP's Mot. for Stay Pending Interlocutory Appeal 1-8, ECF No. 159. Consistent with that position, the FTC filed a motion in the Fifth Circuit seeking to dismiss USAP's appeal for lack of appellate jurisdiction. The motion is attached as Exhibit A. We remain available should the Court have any questions.

Dated: July 22, 2024

Respectfully submitted,

*/s/ Timothy Kamal-Grayson*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I caused the Plaintiff Federal Trade Commission's Notice of Motion to Dismiss Appeal Filed in Fifth Circuit and accompanying exhibit to be served on all counsel of record using the ECF system of the United States District Court for the Southern District of Texas.

Dated: July 22, 2024

/s/ Timothy Kamal-Grayson  
Timothy Kamal-Grayson